

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY,
etc.,

07-CV-6915-DLC

Plaintiff,

- - against - -

**Answer to
Cross-Claim**

DORMITORY AUTHORITY - STATE OF NEW YORK,
et al.,

Defendants.

-----X
- - and various impleader actions - -
-----X

Carolina Casualty Insurance Company ("Carolina") answers the cross-claim set forth in the March 26, 2008, answering pleading of **Cosentini Associates, Inc.** ("Cosentini") as follows:

First Carolina denies each and every allegation of Cosentini's cross-claim; denies that Carolina caused or contributed to any damages claimed in this case; and denies that Cosentini is or could be entitled to indemnity or contribution from Carolina, whether under any common law theory or under any supposed contract.

Second Cosentini's pleading does not state any claim against Carolina upon which relief could be granted. Cosentini does not and could not truthfully allege that Cosentini has standing to sue as a claimant under the surety bond Carolina gave as surety for the Crocetti company. Nor did Cosentini comply with the conditions precedent for any claim under that surety bond, as to notice or time or suit or otherwise.

Wherefore, Cosentini's cross-claims against Carolina should be dismissed, and Carolina should be awarded costs and disbursements.

Dated: New York, New York
April 3, 2008

For Carolina Casualty Insurance
Company _____

ZICHELO & McINTYRE, LLP

By: /s/ _____
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-- and --

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